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May 6, 1982

Administrative Judge  
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In the Matter of  
Metropolitan Edison Company  
(Three Mile Island Nuclear Station, Unit No. 1)  
Docket No. 59-289 SP (Restart) (Reopened Proceeding)



Dear Judge Smith and Drs. Jordan and Little:

This is to advise the Board that in accordance with the Board's Memorandum and Order of May 5, 1982, Licensee is undertaking today to inform all current Licensee employees referred to in the Special Master's Report (Messrs. Arnold, Boltz, Brown, Gifford, Hukill, Husted, Knief, Miller, Newton, Polon, Ross, Shipman, Toole, A, C, E, G, H, I, P, Q, R, S, T, U, Y, GG, MM, OO, QQ, RR, VV and WW) of their standing recognized by the Board to comment individually on the Report. Each of these individuals

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Ivan W. Smith  
Walter H. Jordan  
Linda W. Little  
May 6, 1982  
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is being provided a copy of the Board's May 5 Memorandum and Order as well as this letter.\*/

To Licensee counsel's knowledge, of these individuals only VV and Gary Miller have obtained advice from individual counsel throughout this proceeding. Licensee counsel does not know how familiar any of the individuals may be with either the transcript of the proceeding or the Special Master's report. Clearly, however, it would be unreasonable to expect that they are presently prepared fully to respond to the Special Master's report, particularly those findings which in substance accuse employees not only of cheating, but of lying to NRC inspectors and of committing perjury before the Special Master.

Under these circumstances, Licensee is advising its employees referred to in the Special Master's report of the following:

1. Nothing in the Special Master's report causes Licensee to alter the position it advanced in the reopened proceeding through its direct testimony, and in its findings and conclusions filed with the Special Master in January, 1982.

2. That position will continue to be advanced through Licensee's comments to the Licensing Board on the Special Master's report.

3. With respect to those individuals (Messrs. G, H and Shipman) whom the Special Master has recommended should be relieved of licensed duties, Licensee in its comments will oppose this recommendation. Licensee's position will further be that if the Licensing Board nevertheless concurs in the Special Master's conclusions, the proper course of action for the Board would be to recommend to the Commission that it institute separate proceedings under Subpart B of 10 C.F.R. Part 2 and 10 C.F.R. 55.40 for the suspension or revocation of each individual operator's license. Without such a procedure, the individuals would effectively be deprived of their NRC licenses without the safeguards afforded them by the Commission's regulations. If the Board so recommends

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\*/ Although not Licensee employees, Messrs. Wilson and Lloyd, attorneys for Licensee at the TMI site, have been advised of the Board's Order and this letter; Messrs. Herbein, O, V, W, HH, KK and YY, also referred to in the Report, are no longer employed by Licensee.

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Ivan W. Smith

Walter H. Jordan

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and if the Commission accepts that recommendation and institutes proceedings against such licensed individuals, Licensee would at that time relieve them of their licensed duties pending the outcome of the individual proceedings.

4. With respect to those individuals (Messrs. Husted, U and GG) for whom the Special Master recommends some lesser sanction (undefined), Licensee on the basis of its own investigations and on the record in this proceeding and following review of the Special Master's report, respectfully disagrees with the Special Master's opinion and presently plans to take no further action against them.

Sincerely,

*Ernest L. Blake, Jr.*

Ernest L. Blake, Jr.  
Counsel for Licensee

ELB/tjc

cc: Service List

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
METROPOLITAN EDISON COMPANY	)	Docket No. 50-289 SP
	)	
(Three Mile Island Nuclear	)	(Restart)
Station, Unit No. 1)	)	

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